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7 Attorneys for Defendant and Cross-Defendant  
THE FEDERAL RESERVE BANK OF SAN  
8 FRANCISCO

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 LAI SIM LAI, individually and by and  
13 through her Guardian ad Litem, ERIC  
LAI,,  
14

15 Plaintiff,

16 v.

17 THE FEDERAL RESERVE BANK OF  
18 SAN FRANCISCO, THE CITY AND  
COUNTY OF SAN FRANCISCO and  
DOES ONE through ONE HUNDRED,  
19

20 Defendants.  
21

22 AND RELATED CROSS-ACTIONS.  
23

Case No. 3:14-cv-04443 RS

**STIPULATION TO AMEND CROSS-  
CLAIM**

Action Filed: August 10, 2014

24 **The Parties, by and through their counsel of record, hereby agree as follows:**

25 **Whereas**, on October 2, 2014, Defendant and Cross-complainant THE FEDERAL  
26 RESERVE BANK OF SAN FRANCISCO, (hereinafter "Federal Reserve Bank") filed a Cross-  
27 complaint in the Superior Court of the State of California, County of San Francisco, Civil Case  
28 No. CGC-14-541259, against THE CITY AND COUNTY OF SAN FRANCISCO (hereinafter  
"CCSF") and ROES 1-50 for equitable indemnity, implied indemnity, contribution and  
apportionment, and declaratory relief;

1       **Whereas**, on October 3, 2014, Defendant and Cross-complainant Federal Reserve Bank  
2 filed a Notice of Removal of Removal of Civil Action from the Superior Court of the State of  
3 California, County of San Francisco, Civil Case No. CGC-14-541259;

4       **Whereas**, on October 30, 2014, CCSF filed an answer to the Cross-complaint of Federal  
5 Reserve Bank containing an affirmative defense for failure to comply with the Tort Claims Act, at  
6 Government Code section 810, et seq., and 905, et seq.

7       **Whereas**, on October 30, 2014, CCSF also filed a Cross-claim against Federal Reserve  
8 Bank for equitable contribution and indemnification and declaratory relief.

9       **Whereas**, on or about January 9, 2015, Federal Reserve Bank filed a written Claim for  
10 Damages with CCSF with respect to the injuries alleged by Plaintiff that are the subject of the  
11 operative Complaint, in accordance with the appropriate sections of the California Government  
12 Code, including but not limited to section 945.4;

13       **Whereas**, on January 13, 2015, CCSF rejected Federal Reserve Bank's Claim for  
14 Damages in writing.

15       **To avoid unnecessary law and motion practice, the Parties herein, by and through**  
16 **their counsel of record, hereby stipulate as follows:**

17       1. Defendant and Cross-claimant Federal Reserve Bank may file a First Amended  
18 Cross-claim hereinafter "FAC") against CCSF without having to file a motion with the Court for  
19 leave to amend the Cross-claim.

20       2. Federal Reserve Bank's FAC may include an allegation that the Cross-  
21 complainant, Federal Reserve Bank, provided written Notice of a Claim for Damages to CCSF on  
22 January 9, 2015, in compliance with the notice requirements of California's Tort Claim Act,  
23 including but not limited to those set forth at Government Code section 945, et seq.

24       3. Federal Reserve Bank's FAC may include an allegation that CCSF rejected its  
25 Claim for Damages in writing on January 13, 2015.

26       4. Federal Reserve Bank's FAC may include an allegation that its amended Cross-  
27 claim against CCSF was timely filed within the provisions of the California Government Code,  
28 including but not limited to section 945.6

1 5. Federal Reserve Bank's proposed FAC with is attached hereto as Exhibit A.

2 6. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed to have  
3 been filed on the date when the Order is granted.

4 7. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed served on  
5 the date when all Parties are served with the Court's signed Order.

6 8. Finally, the Parties stipulate that Cross-defendant CCSF shall have 30 days after  
7 service (as defined in the preceding paragraph) to file a responsive pleading to Federal Reserve  
8 Bank's FAC.

9 **IT IS SO STIPULATED:**

10 Dated: March 12, 2015

WALKUP, MELODIA, KELLY & SCHOENBERGER

11  
12 /s/ Spencer J. Pahlke

13 RICHARD H. SCHOENBERGER

14 SPENCER J. PAHLKE

Attorneys for Plaintiff

15 Dated: March 12, 2015

ARCHER NORRIS

16  
17 /s/ Chad D. Greeson

18 CHAD D. GREESON

19 Attorneys for Defendant The Federal Reserve Bank of  
20 San Francisco

21 Dated: March 12, 2015

SAN FRANCISCO CITY ATTORNEY'S OFFICE

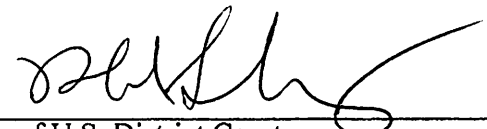
22  
23 /s/ David Delbon

24 DAVID DELBON

25 Attorneys for Defendant City and County of San  
Francisco

26 **IT IS SO ORDERED:**

27 Date: 3/13/15

28   
Judge of U.S. District Court